

**EAC RFP # 05-04 STATEMENT OF WORK AND CONTRACT TERMS**

**RESEARCH ASSISTANCE TO THE ELECTION ASSISTANCE COMMISSION TO  
DEVELOP AND BUILD A LEGAL RESOURCES CLEARINGHOUSE**

**1. BACKGROUND:**

Section 202 of the Help America Vote Act of 2002 (HAVA) charges the U.S. Election Assistance Commission (EAC) with serving as “a national clearing house and resource for the compilation of information and review of procedures with respect to the administration of Federal elections....” In addition, Section 801 of the Help America Vote Act of 2002 (HAVA) transfers the functions undertaken by the Federal Election Commission to the EAC, included among those functions is the duty to provide an election administration clearinghouse. Under this authority, EAC seeks to provide information regarding the laws, regulations, and procedures of voting and election administration in the various States and Territories in a single source that will be available to election administrators throughout the country as well as to members of the public.

**2. OBJECTIVE:**

The EAC is seeking assistance with developing a web based application that will provide a single source for election law information. The assistance sought by EAC includes designing, building and maintaining the web based application and identifying and updating legal resources to be made available through the web based applications including federal and constitutions, statutes, regulations, and rules as well as state and federal court decisions that State impact the administration of elections for Federal office under the Help America Vote Act of 2002 and/or the National Voter Registration Act. As will be further described below, developing content for this web based application includes identifying and organizing the applicable state and federal constitutions, statutes, regulations, rules and cases in a manner that is easily understood and searchable by the user.

**3. SCOPE:**

The Contractor will be responsible for designing and building a web based application that will provide users access to state and federal constitutional provisions, statutes, rules, regulations, and case law regarding elections and election administration through a portal to an on-line legal research service. The Contractor must develop and propose a categorical organizational structure for the presentation of State and Federal constitutions, statutes, codes, regulations, rules and cases (hereinafter sometimes referred to as “statutory legal resources”) and Federal and State case law involving or interpreting the NVRA or HAVA (hereinafter sometimes referred to as “case law resources”) through the web based application. In addition to the full text of the case law resources, the Contractor will be responsible for developing a summary of each of the cases. The Contractor will be responsible for reviewing and maintaining these legal resources on a monthly basis and making those updates available through the web based application.

**4. EAC RESPONSIBILITIES:**

- 4.1.** The EAC will provide the Contractor with a link to the EAC website and a list of minimum required federal and state legal resources that must be included in the resources provided through the web page.
- 4.2.** The EAC will review and approve, as appropriate, the project plan, categorization of statutory legal resources and case law resources, summaries of case law resources, and the web application as originally established and as amended and upgraded from time to time.

**5. SPECIFIC TASKS:**

**General**

- 5.1. Update the project work plan.** The Contractor shall update and deliver an Updated Project Plan no later than ten (10) days after the contract is awarded. The plan shall describe how the Contractor will accomplish each of the project tasks, and it shall include a timeline indicating major milestones, and the staff responsible for each task. The updated Project Plan shall be formally briefed to the EAC Project Manager.
- 5.2. Submit monthly progress reports.** The Contractor shall submit a monthly progress report within two (2) weeks following the end of the month for which the report is provided. This report shall contain a brief summary of the activities performed during the subject month and indicate progress against the timeline provided in the Project Plan for completion of the web based application. Once the application is completed, that is the application is developed, populated with all current legal resources and is running and available for use by the proposed users, the monthly progress report must contain a summary of the activities performed during the subject month, including any information that was added to the web application during the subject month and the number of user hits to the website. Any issues that could adversely affect completing the project on schedule should be identified for resolution. Budget status shall be provided in each and every monthly report. The Contractor is responsible for submitting a hardcopy and an electronic version (sent via e-mail) of the progress reports to the EAC Project Manager.
- 5.3. Conduct at least quarterly briefings for the EAC.** The Contractor shall periodically meet with the EAC Project Manager for this project to discuss research findings and work progress. The Project Plan described in 5.1 should make allowance for this activity. The number and frequency of briefings will be determined by the Contractor's Project Manager and the EAC Project Manager as the work progresses. The Contractor may also be required to periodically brief the full Commission on its work.
- 5.4. Submission of documents and reports.** Unless otherwise indicated, all documents must be submitted electronically in Microsoft Word, Excel or Project format and in hard copy by the Contractor to the EAC Project Manager by the deadline indicated in Section 9.0, "Schedule for Deliverables."

## **Legal Resources Web Application**

- 5.5. Research and identification of statutory law.** Research the laws of the United States and each of the individual states, American Samoa, Guam, Virgin Islands, Puerto Rico and the District of Columbia and identify all constitutional provisions, statutes, code sections, regulations, and rules that govern any and all activities involved in registering voters, voting, conducting elections, administering elections, certifying election results, and contesting elections. This research should not include provisions that are limited to the area of campaign finance, campaign contributions, and any similar activity that is regulated by other federal agencies. At a minimum, the research of federal statutory law must identify and provide through the web application described in task 5.9 the text and regulations applying to the following federal laws: the Help America Vote Act of 2002, the National Voter Registration Act, the Voting Rights Act, the United States Constitution and Amendments, the Uniformed and Overseas Citizens Absentee Voting Act, the Voting Accessibility for the Elderly and Handicapped Act, the Americans with Disabilities Act, and the Rehabilitation Act.
- 5.6. Research and identification of case law.** Research the case or jurisprudential law of the United States and each of the individual states, American Samoa, Guam, Virgin Islands, Puerto Rico and the District of Columbia and identify each and every state or federal court decision involving, interpreting or implementing the Help America Vote Act of 2002 (HAVA) or the National Voter Registration Act (NVRA).
- 5.7. Summarizing case law.** Prepare and deliver for approval by EAC's Office of General Counsel a summary of each case identified in task 5.6. The summary of each case should include a brief discussion of the procedural history or posture of the case, the facts involved in the dispute, the holding or findings of the case, and disposition of the case (e.g., affirmed, reversed, remanded, etc.). Once approved by the EAC's Office of General Counsel, the summary must be made available along with a link to the full text of the case through the web based application described in task 5.9.
- 5.8. Organizing legal resources.** Propose a categorical organizational structure for the presentation of statutory legal resources and case law resources. These categories should include but not be limited to provisional voting, voter identification, voter registration, voting equipment, and such other categories that allow users to easily locate statutory and case law of interest to them. The Contractor should not be limited by the categories suggested herein. These are provided as examples and Contractor will be responsible for proposing an organizational structure including categorization of the legal resources. These categories should be presented to EAC for approval prior to implementation. After approval of the organizational structure, the Contractor must organize the constitutional provisions, statutes, code sections, regulations, rules and cases identified in tasks 5.5 and 5.6 into the approved categories. The desired categorization does not involve indexing and cross referencing the legal sources.
- 5.9. Construction of web based application.** Build a web based application that will provide the user with an organized presentation of the statutory law identified in task 5.5 as well as a link that will allow the user to view full text of each such legal provision through a free-access portal to an on-line legal search engine (such as, but not limited to Westlaw or Lexis-Nexis). In addition, the web page shall provide the user access to the case law summaries developed and provided pursuant to task 5.7 and the full text of each

case identified in task 5.6 through the same free-access portal. Last, the web based application must provide the user with the ability to search the legal resources made available through the free access portal using keywords according to the protocols established by the legal search engine employed for this project. NOTE: See section 5.10 relative to the licenses that the Contractor must provide to allow users to access the on-line legal search engine. The web application may be hosted on the EAC website or linked to the EAC website and hosted on the Contractor's website. If the latter is proposed and accepted, the link should be seamless and the application should appear as if it is a page on the EAC website, including bearing the seal and marks of the EAC. The web application developed under this task should be capable of being edited, expanded and updated from time to time as new case and statutory law become available and as desired by EAC to add or subtract to the content maintained on and through the web application.

**5.10. On-line legal research service.** Provide twenty-five (25) licenses for the use of an on-line legal research service, such as but not limited to WestLaw or Lexis-Nexis. The licenses shall permit twenty-five (25) simultaneous, non-constant users (i.e., the users need not be the same people in each session). In addition, the Contractor should ensure that the login and password information for these twenty-five (25) access points are imbedded in the programming of the web based application such that the user need not know or obtain the login and password information in order to access the legal resources clearinghouse via the on-line legal research service. Security measures should be applied to prevent unauthorized use of the access points and the web site.

**5.11. On-line Search feature.** Include as a part of the web based application a search feature that allows the user to search the information provided using keywords to locate the information of interest to the user. The Contractor must assure that the user has a broad range of possibilities for searching legal resource data, including but not limited to searching for a particular provision in the laws of multiple states.

**5.12. Web Based Application Approval Briefing.** Conduct in-person briefing and presentation of the final web application to EAC Project Manager and designated staff, prior to running the web application live on EAC's website or the Contractor's website, as determined through the bidding and contracting process.

**5.13. Maintenance of content and web application.** Conduct regular review (at a minimum on a monthly basis) of the federal and state constitutions, statutes, codes, regulations, rules and case law and maintain the web application to assure that users are provided with access to current legal resources.

**6. CONTRACT TYPE:** The contract type will be time and materials.

**7. PLACE OF PERFORMANCE:** The principal place of performance will be the Contractor's place of business. Meetings and occasional work efforts may also be conducted at the EAC offices.

**8. PERIOD OF PERFORMANCE:** The period of performance is from September 20, 2005 to February 28, 2007.

**9. SCHEDULE OF DELIVERABLES:**

<b>Task</b>	<b>Contractor Deadline</b>	<b>EAC Response</b>	<b>Contractor Cure Time</b>
Updated Project Plan (5.1)	10 Days after date of award.	Within 5 business days.	Within 5 business days.
Progress Reports (5.2)	Two (2) weeks following the end of the month for which the report is provided	If needed, within 5 business days.	Within 5 business days.
Briefings (5.3)	TBD	If needed, within 5 business days.	Within 5 business days.
Research and Identification of statutory law sources (5.5)	Within 45 days after Project Plan approval	If needed, within 10 business days.	Within 5 business days.
Research and Identification of case law sources (5.6)	Within 45 days after Project Plan approval	If needed, within 10 business days.	Within 5 business days.
Summarizing Case Law (5.7)	Within 40 days after the cases are identified under 5.6	Within 10 business days.	Within 5 business days.
Organizing Legal Resources (5.8)	Within 40 days after the statutory laws and cases are identified under 5.5 and 5.6	Within 10 business days.	Within 5 business days.
Construction of Web Based Application (5.9)	Within 120 days after Project Plan approval	Within 10 business days.	Within 5 business days.
On-line Legal Research Service (5.10)	Within 120 days of Project Plan Approval	If needed, within 5 business days.	Within 5 business days.
On-line Search Feature (5.11)	Within 120 days after Project Plan approval	Within 10 business days.	Within 5 business days.
Web Based Application Approval Briefing (5.12)	Within 130 days after Project Plan approval	If needed, within 5 days	Within 5 business days.
Web site maintenance and update (5.13)	Monthly after the completion of 5.9	If needed, within 5 business days.	Within 5 business days.

**10. INSPECTION AND ACCEPTANCE CRITERIA:**

Final inspection and acceptance of all work performed, reports, and other deliverables will be performed at the offices of the EAC. The EAC Project Manager shall be the Contracting Officer's Representative (COR) and will define, review, and approve all work.

**11. INVOICING.** Invoices may be submitted monthly using Standard Form 1034, Public Voucher for Purchases and Services Other Than Personal. Invoices shall be delivered to the attention of:

Ms. Diana Scott  
Administrative Officer  
U.S. Election Assistance Commission  
1225 New York Avenue, N.W., Suite 1100  
Washington D.C. 20005.

**12. ACCOUNTING AND APPROPRIATION DATA.** Funding is available for this contract.

**13. CONTRACT TERMS.** The contract clauses included in this document are the provisions governing this contract. The "Purchase Order Terms and Conditions" on the back of GSA Form 300 do not apply. This form is used only for the purpose of processing contract financial data.

**14. GENERAL PROVISIONS.**

*A. Proposal Incorporated.* The Contractor's proposal is incorporated by reference into the Statement of Work.

*B. Inspection / Acceptance.* The Contractor shall only tender for acceptance those items that conform to the requirements of this contract. The EAC reserves the right to inspect and review any services that have been tendered for acceptance. The EAC may require correction or re-performance of nonconforming services at no increase in contract price. The EAC must exercise its post-acceptance rights within ten (10) days after the defect was discovered or should have been discovered.

*C. Changes.* Changes in the terms and conditions of this contract may be made only by written agreement signed by authorized representatives of both parties.

*D. Disputes.* This contract is subject to the Contract Disputes Act of 1978, as amended (41 U.S.C. 601-613). The Contractor shall proceed diligently with performance of services, pending final resolution of any dispute arising under the contract.

*E. Excusable Delays.* The Contractor shall be liable for defaults unless nonperformance is caused by an occurrence beyond the reasonable control of the Contractor and without its fault or negligence such as acts of God or the public enemy, acts of Government in either its sovereign or contractual capacity, fires, floods, epidemics, quarantine restrictions, strikes,

unusually severe weather, and delays of common carriers. The Contractor shall notify the EAC, in writing, as soon as possible after the beginning of an excusable delay. The Contractor shall explain the basis for the excusable delay, and correct the problem as soon as possible. The Contractor shall notify the EAC, in writing, at the end of the delay.

*F. Other Compliances.* The Contractor shall comply with all applicable Federal, State, and local laws, executive orders, rules and regulations applicable to its performance under this contract.

*G. Compliance with Laws Unique to Government Contracts.* The Contractor agrees to comply with 31 U.S.C. 1352 relating to limitations on the use of appropriated funds to influence certain Federal contracts; 18 U.S.C. 431 relating to officials not to benefit; 40 U.S.C. 327 et seq., Contract Work Hours and Safety Standards Act; 41 U.S.C. 51-58, Anti-Kickback Act of 1986; 41 U.S.C. 265 and 10 U.S.C. 2409, relating to whistle blower protections, 49 U.S.C. 40118, and 41 U.S.C. 423 relating to procurement integrity.

*H. Limitation of Government Liability.* In performing this contract, the Contractor is not authorized to make expenditures or incur obligations exceeding the total amount of the contract amount. The Contractor is required to notify the Contracting Officer's Representative in writing when 75% of contract funding has been committed.

*I. Termination for Convenience.* The EAC, by written notice, may terminate this contract, in whole or in part, when it is in the best interest of the Government. If this contract is terminated, the rights, duties, and obligations of the parties, including compensation to the Contractor, shall be in accordance with Part 49 of the Federal Acquisition Regulations in effect on the date of this contract.

*J. Work for Hire.* The services performed under the terms of this agreement are considered "work for hire," and any intellectual property or deliverables, including but not limited to, research, summaries, documents, web applications, web content and other works submitted; or which are specified to be delivered; or which are developed or produced and paid for by EAC, shall be owned exclusively by EAC, including copyright. EAC or its assignees have the exclusive right to reproduce all work products from this agreement without further payment to the Contractor.